1944

File No. Probation of Offenders II. Legal Deptt 44

B **BRANCH**

Subject: Rules and Notifications under the Prob. Probation of Offenders Act, 1938

File No. Probation of Offenders B/44

Gen. 194 6.

498-B

Office of the R.L.A.

'A' on page 63 ante may in some cases conflict with the proviso to section 5(1) of the Bombay Probation of Offenders Act,1938. For an order under section 5(1) there may or may not be surety; if the bond is without sureties, the order can be made only if the offender has a fixed place of abode or regular occupation within the court's jurisdiction 'B' on page 64 is, I think, futile as an executive instruction, since the circular is not addressed to probation officers, and in fact cannot be addressed to them because in some cases the probation officer would be a selection of the court, see section 10(1)(c). In view of the existing rule 5(6) of the rules under the Act the proper course to achieve 'B' on page 64 is to amend that rule. The circular on pages 61-64 as amended is legal in order.

2. Portion 'A' at page 61 ante:- The released Prisoners(Aid society, Ahmedabad, is not a recognised society for the purposes of section 10(1)(b) of the Bombay Probation of Offenders Act,1938. It cannot therefore, nominate the probation officers. It can only aid the Bombay Provincial Probation and After-Care Association Bombay, in making the appointments (Please see para 10(3) of H.D.Note at page 55 ante). Para. 2 of the draft circular has, therefore, been amended accordingly.

Sd/-N.M.

Remembrancer of Legal Affairs.

U.R. to H.D.No.6295, dated the 8th September 1944

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